



TERRY NAFISI

District Court Executive
and Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WESTERN DIVISION

312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION

411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION

3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

December 16, 2011

Clerk, United States District Court
District of Nevada

Re: MDL 2302 In Re: A-POWER ENERGY GENERATION SYSTEMS,

Transfer of your Civil Case No. CV 3:11-00577

Case Title: **RAJINISH GUPTA -VS- A-POWER ENERGY GENERATION**

Dear Sir/Madam:

An order having been made by the Judicial Panel on Multi-district Litigation transferring the above-numbered case to this district and assigning Judge George H. Wu to preside over this litigation, we are transmitting herewith a certified copy of the conditional transfer order from the MDL Panel. We have assigned the following case number to this case: **CV11- 10396 GW (CWx)**. Please include reference to this case number when the case file is sent to this district.

Please electronically send the case file to InterdistrictTransfer_CACD@cacd.uscourts.gov. We would appreciate receiving the case file as soon as possible. Thank you for your cooperation.

Very truly yours,

Clerk, U.S. District Court

RMARSHAL

By: _____
Deputy Clerk

cc: All counsel on the attorney service list.
Clerk, MDL Panel

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: A-POWER ENERGY GENERATION SYSTEMS, LTD.
SECURITIES LITIGATION CV 11- 10396-GW(CW*)**

FILED CLERK, U.S. DISTRICT COURT
12-16-11
CENTRAL DISTRICT OF CALIFORNIA BY: <u>KM</u> DEPUTY

MDL No 2302

TRANSFER ORDER
Rajnish Gupta v. A-Power Energy Generation, et al

Before the Panel: Pursuant to 28 U.S.C. § 1407, common defendant A-Power Energy Generation Systems, Ltd. (A-Power) moves to centralize this litigation in the District of Nevada. The motion encompasses four actions, two pending in the District of Nevada and two pending in the Central District of California. The Panel has been notified of one additional related action.¹

Plaintiffs in the District of Nevada actions, which have been consolidated, support centralization in that district. Plaintiff in the Central District of California *Cheng* action, however, favors centralization in his district, as do lead plaintiff movants Jason Li and Richard Levinson. Plaintiff in the potential tag-along action (*Ries*), a shareholder derivative action pending in the District of Nevada, does not oppose centralization of the four constituent securities actions, but does oppose inclusion of his action in the centralized proceedings.

On the basis of the papers filed and hearing session held, we find that these four actions involve common questions of fact, and that centralization under Section 1407 in the Central District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The subject actions share factual issues arising from allegations that defendants issued materially false and misleading statements and/or omitted to state material facts relating to A-Power's finances and business prospects. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings on class certification and other pretrial issues, and conserve the resources of the parties, their counsel and the judiciary.

The arguments of the *Ries* potential tag-along plaintiff in opposition to inclusion of his action in the centralized proceedings are premature. If we issue an order conditionally transferring *Ries* to the MDL, plaintiff can present his arguments via a motion to vacate that order. See *In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Prods. Liab. Litig.*, 787 F. Supp. 2d 1358, 1360 (J.P.M.L. 2011).

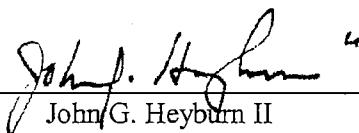
¹ This action and any other related actions are potential tag-along actions. See Rules 1.1(h), 7.1, and 7.2.

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We conclude that the Central District of California is an appropriate transferee district for pretrial proceedings in this litigation. Two of the four constituent actions are pending in that district, and travel between that district and China, where much of the discovery will likely be focused, is appreciably easier than travel between the District of Nevada and China. Judge George H. Wu, to whom we assign this MDL, has the experience to guide the litigation on a prudent course.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Central District of California are transferred to the Central District of California and, with the consent of that court, assigned to the Honorable George H. Wu for coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Kathryn H. Vratil
Barbara S. Jones
Marjorie O. Rendell

W. Royal Furgeson, Jr.
Paul J. Barbadoro
Charles R. Breyer

**IN RE: A-POWER ENERGY GENERATION SYSTEMS, LTD.
SECURITIES LITIGATION**

MDL No. 2302

SCHEDULE A

Central District of California

Rick Cheng v. A-Power Energy Generation Systems Ltd., et al.,
C.A. No. 2:11-05509

Ali Arar v. A-Power Energy Generation Systems Ltd., et al.,
C.A. No. 2:11-05649

District of Nevada

Elliot Greenberg v. A-Power Energy Generation Systems, Ltd., et al.,
C.A. No. 3:11-00472 - CV 11- 10395-GW(CWK)

Rajnish Gupta v. A-Power Energy Generation Systems, Ltd., et al.,
C.A. No. 3:11-00577 - CV 11- 10396- GW(CWK)

I hereby attest and certify on 12-16-11
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
R. Marshall
DEPUTY CLERK



1195

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV11- 10396 GW (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.